

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT EASTERN DISTRICT OF PENNSYLVANIA

In re:	:	
	:	Chapter 7
VALLEY BUILDING &	:	
CONSTRUCTION, CORP.	:	
	:	Case No. 06-16119 (JKF)
Debtor.	:	

**MOTION OF THE CHAPTER 7 TRUSTEE FOR ORDER HOLDING ROY HISER IN
CONTEMPT OF COURT, DIRECTING ISSUANCE OF WARRANT FOR ARREST OF
ROY HISER, ATTORNEYS' FEES AND COSTS AND SUCH OTHER SANCTIONS
AND RELIEF AS THIS COURT DEEMS JUST**

Howard T. Glassman, Esquire (the "Trustee"), Chapter 7 Trustee of the bankruptcy estate (the Estate") of Valley Building & Construction, Corp. ("Debtor"), by and through his undersigned counsel, hereby files the within motion (the "Motion") seeking the entry of an order holding Roy Hiser in Contempt of Court, Directing issuance of a Warrant for Arrest of Roy Hiser, awarding attorneys' fees, costs and such other sanctions as this Court deems just.

Background

2. On December 28, 2006, the Debtor filed a voluntary Chapter 7 proceeding under Title 11, United States Bankruptcy Code (the "Bankruptcy Code").

3. Howard T. Glassman, Esquire was appointed Chapter 7 Trustee and is in possession of the Debtor's property as such.

Relief Requested

4. By way of this Motion, the Trustee seeks the entry of an order holding Roy Hiser in Contempt of Court, Directing issuance of a Warrant for Arrest of Roy Hiser, awarding attorneys' fees, costs and such other sanctions as this Court deems just.

5. On November 30, 2007, the Trustee, by and through his counsel conducted Rule 2004 examination of Roy Hiser, principal for the Debtor. During the course of that deposition, the witness identified and counsel requested production of various documents and things.

7. Most of the requested documents were not produced despite repeated requests for voluntary production.

8. The Trustee was forced to file a Motion to Compel Production of Documents, which motion was granted. An Order Compelling Production of Documents was entered by the Court and served upon the Debtor, through its counsel and upon the Debtor's principal, Roy Hiser, both through his counsel and by direct delivery to Roy Hiser.

9. To date, and despite repeat demands, Roy Hiser has failed and refused to comply with this Court's Order Compelling production of documents from the Debtor. To date, Roy Hiser remains in violation of this Court's Order.

10. Accordingly, the Trustee now requests an Order holding Roy Hiser in Contempt of Court for failure to comply with this Court's Order compelling production of documents, Directing issuance of a Warrant for Arrest of Roy Hiser, awarding attorneys' fees, costs and such other sanctions as this Court deems just.

Notice

11. Notice of this Motion has been served on all creditors, parties in interest and parties on the mailing matrix, and a copy of the Motion has been served on the Office of the United States Trustee, the Debtor, and all parties requesting notice pursuant to Rule 2002 of the Bankruptcy Rules. The Trustee believes and therefore avers that this notice is sufficient and is in accordance with all applicable Federal and Local Rules of Bankruptcy Procedure.

WHEREFORE, the Trustee respectfully requests that this Court enter an Order granting

the relief sought herein and such other and further relief as the Court deems necessary and appropriate.

Respectfully submitted,

SPECTOR GADON & ROSEN, P.C.

By: /s/ Randi A. Wolf
Michael J. Shavel, Esquire
D. Andrew Bertorelli, Esquire
Randi A. Wolf, Esquire
1000 Lenola Road
P.O. Box 1001
Moorestown, NJ 08057
(856) 778-8100
Counsel for the Trustee

Dated: January 13, 2009